

SECRET

/ /

DEC 94

TO: [REDACTED] INFO DIRECTOR.

SUBJECT: DEVELOPMENTS IN THE BAMACA CASE

[REDACTED] WHO REQUESTED
AN UPDATE ON THE BAMACA CASE, WHICH HAD BEEN A TOPIC DURING
THE DAY'S MORNING BRIEFING [REDACTED]

A. PHYSICAL SEARCH: ON 29 NOVEMBER, REPRESENTATIVES
OF THE HUMAN RIGHTS OMBUDSMAN'S OFFICE AND THE UNITED
NATIONS HUMAN RIGHTS VERIFICATION MISSION (MINUGUA)
CONDUCTED SURPRISE SEARCHES OF GUATEMALAN ARMY AND POLICE
POSTS FOR FORMER REVOLUTIONARY ORGANIZATION OF PEOPLE IN
ARMS (ORPA) COMMANDER EFRAIN ((BAMACA)) VELASQUEZ. THEY
DID NOT FIND ANY EVIDENCE OF BAMACA IN ANY BASES OR
STATIONS.

B. COUNTERATTACK: ON THE SAME DAY, THE GUATEMALAN
ATTORNEY GENERAL, ACISCLO ((B VALLADARES)) MOLINA, BROUGHT UP
ON CHARGES OF MAKING UNSUPPORTED ACCUSATIONS AGAINST THE

010017

121

SECRET

~~SECRET~~

GUATEMALAN GOVERNMENT THE ALLEGED U.S. CITIZEN WIFE OF BAMACA, JENNIFER ((HARBURY)). (FIELD COMMENT: THE CHARGE, CALLED "JACTANCIA," IS SIMILAR TO A SLANDER CHARGE. HARBURY WAS GIVEN A PERIOD OF 15 DAYS TO PRESENT HER EVIDENCE THAT THE GOVERNMENT IS HOLDING BAMACA.) ON 9 DECEMBER, A GUATEMALAN JUDGE TEMPORARILY LIFTED THE MOTION FILED BY VALLADARES. A NEW HEARING ON THE VALLADARES "JACTANCIA" MOTION HAS BEEN SET FOR 12 JANUARY 1995. VALLADARES HAS STRONGLY OPPOSED THE DELAY. HARBURY IS BEING ALLOWED TO STAY IN GUATEMALA FOR AS LONG AS SHE IS PRESSING THE BAMACA CASE THROUGH THE GUATEMALAN LEGAL SYSTEM. GOVERNMENT OFFICIALS HAVE HINTED THAT SHE WILL BE DEPORTED IF SHE ENGAGES IN FURTHER "POLITICAL" ACTIVITIES, LIKE HER RECENT HUNGER STRIKE.

C. LEGALISTIC WRANGLING: ON 7 DECEMBER, HUMAN RIGHTS OMBUDSMAN JORGE MARIO ((GARCIA)) LAGUARDIA FILED A MOTION OF UNCONSTITUTIONALITY AGAINST THE SUPREME COURT, WHICH HAD DEMANDED HIS OFFICE INVESTIGATE THE DISAPPEARANCE OF BAMACA. COMMENT: THE SUPREME COURT ISSUED THE ORDER SOMETIME IN EARLY TO MID-NOVEMBER.

DOES NOT HAVE THE DATE ON HAND.) IN HIS MOTION, GARCIA SAID THAT THE OMBUDSMAN IS NOT ANSWERABLE TO THE COURTS. HE WAS SUPPORTED BY GUATEMALAN REPUBLICAN FRONT (FRG) CONGRESSMAN AND LAWYER GABRIEL ((ORELLANA)) ROJAS, WHO POINTED OUT THAT THE OMBUDSMAN WORKS FOR THE CONGRESS. NEVERTHELESS, ON 9 DECEMBER, GARCIA TURNED IN TO THE SUPREME COURT THE RESULTS OF HIS BAMACA INVESTIGATIONS UP TO THAT DATE. THE REPORT NOTED THAT THE OMBUDSMAN'S OFFICE HAD NOT BEEN ABLE TO DEVELOP INFORMATION ON THE WHEREABOUTS OF THE FORMER GUERRILLA SUB-COMMANDER.

COMMENT: ACCORDING TO A MEMO HAVE INTERVIEWED ARMY OFFICERS ABOUT BAMACA. THEY ARE GETTING SIMILAR ANSWERS FROM EVERY OFFICER THEY TALK TO, SUGGESTING THE OFFICER CORPS HAS BEEN COACHED TO PROVIDE AN "APPROVED" ANSWER TO IT IS THIS VIEW THAT THE GUATEMALAN ARMY WILL NEVER ADMIT THAT IT CAPTURED BAMACA ALIVE, ALTHOUGH IT IS NOW ALMOST BEYOND DISPUTE THAT THE ARMY DID CAPTURE HIM, AND PROBABLY EXECUTED HIM AFTER HE OUTLIVED HIS USEFULNESS. TO MAKE ANY ADMISSIONS IN THE CASE WOULD UNLEASH A HAIL OF INTERNATIONAL AND NATIONAL CRITICISM THAT WOULD MAKE THE CURRENT BAMACA CASE FUROR LOOK PALE BY COMPARISON.)

[REDACTED]

[REDACTED]

[REDACTED]

~~SECRET~~